

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Claims 50-64 remain pending and have been amended herein.

#### **Personal Interview**

Applicants appreciate the opportunity granted their representative to conduct a personal interview with Mr. Tran (SPE) on February 22, 2007. As indicated in the Interview Summary, the teachings of Fujinami (U.S. Patent 5,455,684) were discussed, with Applicants' representative presenting patentability arguments consistent with those contained in the Reply dated October 13, 2006. The outstanding double patenting rejections and the rejection of "storage medium" claims under 35 U.S.C. § 101 were also discussed. An agreement was reached that certain claim amendments would overcome the prior art rejections based on Fujinami. Mr. Tran indicated that double patenting rejections would also be withdrawn, but that the rejection under 35 U.S.C. § 101 would be maintained.

In this Reply, Applicants have amended the claims in a manner that is believed to be consistent with the suggested claim amendments discussed during the Personal Interview. Accordingly, Applicants respectfully submit that the prior art rejection (35 U.S.C. § 102) and the double patenting rejections should be withdrawn. Furthermore, Applicants have amended claims 50, 54, 55, 57, 58 and 62, such that these claims are no longer directed to a "storage medium." Therefore, the rejection under 35 U.S.C. § 101 has been rendered moot.

#### **Rejection Under 35 U.S.C. § 101**

Claims 50, 54, 55, 57, 58 and 62 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As set forth on page 20 of the Office Action, the Examiner asserts that claims 50, 54, 55, 57, 58 and 62 merely claim non-functional descriptive material stored on a medium, and, as

such, fail to claim statutory subject matter. Although Applicants believe that these claims are directed to statutory subject matter at least for reasons contained in the Reply dated October 13, 2006, Applicants have amended claims 50, 54, 55, 57, 58 and 62, such that these claims are no longer directed to a "storage medium." Therefore, the rejection under 35 U.S.C. § 101 has been rendered moot.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 101.

### **Rejection Under 35 U.S.C. § 102**

Claims 50-64 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by Fujinami et al. (U.S. Patent 5,455,684). This rejection is respectfully traversed.

Fujinami discloses a video/audio recording apparatus for recording encoded video/audio on a digital storage medium (DSM) 10. The recording apparatus receives encoded video data compressed in accordance with the MPEG coding standard, such that the compressed video signal includes I, P, and B coded pictures. See e.g., column 6, lines 60-67; column 12, lines 28-31. A header addition circuit 7, in cooperation with a control circuit 8, adds a video packet header to the video signal and an entry packet generation circuit 32 inserts an entry packet at a predetermined position in the video signal. Column 11, lines 52-63. An entry packet is positioned to precede a video packet consisting of a video packet header in a portion of the video signal that includes an I-picture. Column 12, lines 19-24. Each entry packet includes information regarding distances between the current entry point and positions of preceding and subsequent entry points, thereby enabling a high-speed search operation during playback from the DSM 10. Column 13, lines 4-9; column 19, lines 39-45.

Although the entry packet information in Fujinami is used to indicate entry points for a video packet that includes an I-picture, Applicants respectfully submit that this information does not correspond to control information of a control data packet, which precedes I-picture data of a corresponding video data unit, identifying an end of the I-picture data contained in a corresponding video data unit as required by claim 50.

According to MPEP § 2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants respectfully submit that Fujinami fails to anticipate claim 50. Claims 51-64 are believed to define over Fujinami at least based on similar reasoning to that set forth above with respect to claim 50.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection under 35 U.S.C. § 102.

### **Double Patenting Rejections**

#### **1. U.S. Patent 6,009,236/U.S. Patent 6,134,382 in view of Fujinami**

Claims 50-64 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,009,236 (“the ‘236 patent”) in view of Fujinami; and further stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,134,382 (“the ‘382 patent”) in view of Fujinami. These rejections are respectfully traversed.

In rejecting claims 50-64 based on the allegedly obvious combination of ‘236 patent claims and Fujinami, the Examiner relies on Fujinami as allegedly teaching the feature of the claimed control data packet. See Office Action, pages 5-6. For reasons discussed above with respect to the rejection under 35 U.S.C. § 102, however, Applicants submit that the entry point packet information disclosed in Fujinami does not correspond to the control information as claimed. At least for this reason, the asserted combination of claims of the ‘236 patent and Fujinami fails to establish obviousness of any pending claim.

Similarly, the Examiner’s rejection of claims 50-64 based on an allegedly obvious combination of ‘382 patent claims and Fujinami relies on Fujinami as allegedly teaching the claimed control information. See Office Action, pages 9 and 10. Applicants again note,

however, that Fujinami fails to teach control information as claimed. Consequently, Applicants respectfully submit that the asserted combination of '382 patent claims and Fujinami fails to establish obviousness of any pending claim.

2. U.S. Patent 6,549,717

Claims 50-54 and 57-64 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,549,717. Claims 55 and 56 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,549,717 in view of Fujinami. These rejections are respectfully traversed.

With respect to U.S. Patent 6,549,717 ("the '717 patent"), the Examiner relies on claim 2 as allegedly being encompassed by claims of the present application. Applicants note, however, that claim 2 of the '717 patent fails to include the feature of control information including address information identifying an end of the I-picture data contained in a corresponding video data unit. As such, Applicants respectfully disagree with the conclusion that claim 2 of the '717 patent is encompassed by the scope of any claim pending in the present application. As discussed above, Fujinami fails to makeup for this deficiency. Consequently, Applicants respectfully submit that claims in the present application are not rendered obvious based on claim 2 of the '717 patent, taken alone or in combination with Fujinami (assuming combinability, which Applicants do not admit).

3. Co-pending Application 10/083,475

Claims 50-54 and 57-64 stand provisionally rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of co-pending application no. 10/083,475. Claims 55 and 56 stand provisionally rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of co-pending application no. 10/083,475 in view of Fujinami. These rejections are respectfully traversed.

With respect to application no. 10/083,475 ("the '475 application"), the Examiner asserts that claim 56 of the '475 application is encompassed by claims of the present application.

Applicants note, however, that claim 56 of the '475 application fails to include the feature of address information identifying an end of the I-picture data contained in a corresponding video data unit. As such, Applicants respectfully disagree with the Examiner's conclusion that claim 56 of the '475 application is encompassed by the scope of any claim pending in the present application. As discussed above, Fujinami fails to makeup for this deficiency. Consequently, Applicants respectfully submit that the claims in the present application are not rendered obvious based on claim 56 of the '475 application, taken alone or in combination with Fujinami (assuming combinability, which Applicants do not admit).

In view of the above, Applicants respectfully request reconsideration and withdrawal of the provisional and non-provisional rejections based on the doctrine of obviousness-type double patenting.

### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: **March 29, 2007**

Respectfully submitted,



By  
D. Richard Anderson  
Registration No.: 40,439  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant